



Montana Fish, Wildlife & Parks

Region 4 Headquarters
4600 Giant Springs Road
Great Falls, MT 59405
Phone 406-454-5850

March 22, 2016

Dear Interested Citizen:

Enclosed you will find for your review the Draft Environmental Assessment (EA) for a Montana Fish, Wildlife & Parks (FWP) proposal to acquire by fee title, 80 acres on Bynum Reservoir. Currently 40 acres are leased and have been developed for a fishing access site. That parcel has been managed by Montana Fish, Wildlife and Parks for over 20 years. The 2nd 40 acre parcel will be a nice addition to access a different section of the reservoir. Both parcels will provide quality recreational opportunities for fishing, boating, floating, camping, picnicking, and wildlife viewing.

The EA may also be obtained by mail from Region 4 FWP, 4600 Giant Springs Road, Great Falls, 59405; by phoning 406-454-5850; by emailing vrobinson@mt.gov; or by viewing FWP's website <http://fwp.mt.gov> ("News", then "Public Notices", beginning March 25th) Comments may be made online on the EA webpage or may be directed by mail or email to the addresses above. Comments must be received by FWP no later 5:00 pm on April 25, 2016.

If you have specific questions about this proposal, please contact Fishing Access Site Program Manager Vicki Robinson at (406) 454-5854 or by email vrobinson@mt.gov.

As part of the decision making process under the Montana Environmental Policy Act (MEPA), a ruling on the Decision Notice for this EA soon after the end of the comment period.

Sincerely,

A handwritten signature in blue ink that reads "Garry Bertellotti". The signature is stylized with a large, flowing "G" and "B".

Garry Bertellotti
Region 4 Supervisor
4600 Giant Springs Road
Great Falls, MT 59405
(406) 454- 5840

Draft
Environmental Assessment



**Bynum Reservoir FAS
Land Acquisition**

March 2016



***Montana Fish,
Wildlife & Parks***

Bynum Reservoir FAS Land Acquisition Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:** Montana Fish, Wildlife & Parks (FWP) proposes to acquire two 40-acre parcels on and adjacent to Bynum Reservoir FAS. FWP currently leases one parcel and has been offered the option of acquiring that and an adjacent parcel for a \$100 filing fee from the U.S. Bureau of Land Management (BLM).
2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605, which directs MFWP to acquire, develop and operate a system of fishing accesses. The legislature established an earmarked funding account to ensure that this fishing access site function would be established. Statute 87-1-209(c) authorizes MFWP, with the consent of the MFWP Commission, to acquire land by gift for the purpose of public fishing.
3. **Name of project:** Bynum Reservoir FAS Land Acquisition EA.
4. **Name, address and phone number of project sponsor (if other than the agency):** Montana Fish, Wildlife, and Parks is the project sponsor, in conjunction with the BLM.
5. **If applicable:**
Estimated Acquisition Date: Summer 2016
Current Status of Project Design (% complete): N/A
6. **Location affected by proposed action (county, range and township):** Teton County, 26N 6W S32.

Parcel 2 - NE1/4SE1/4, sec. 31, T. 26 N, R. 6 W.

Parcel 1 - SE1/4 SW1/4, sec. 32, T.26 N., R.6 W.

7. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>0</u>
(b) Open Space/Woodlands/Recreation	<u>80</u>	Dry cropland	<u>0</u>
		Forestry	<u>0</u>
(c) Wetlands/Riparian Areas	<u>—</u>	Rangeland	<u>0</u>
		Other	<u>0</u>

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits: N/A

(b) Funding:

Source	Amount
FWP	\$100 filing fee plus \$700 for signage and fencing

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
BLM	Conveyance of Title to FWP NEPA Analysis

8. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

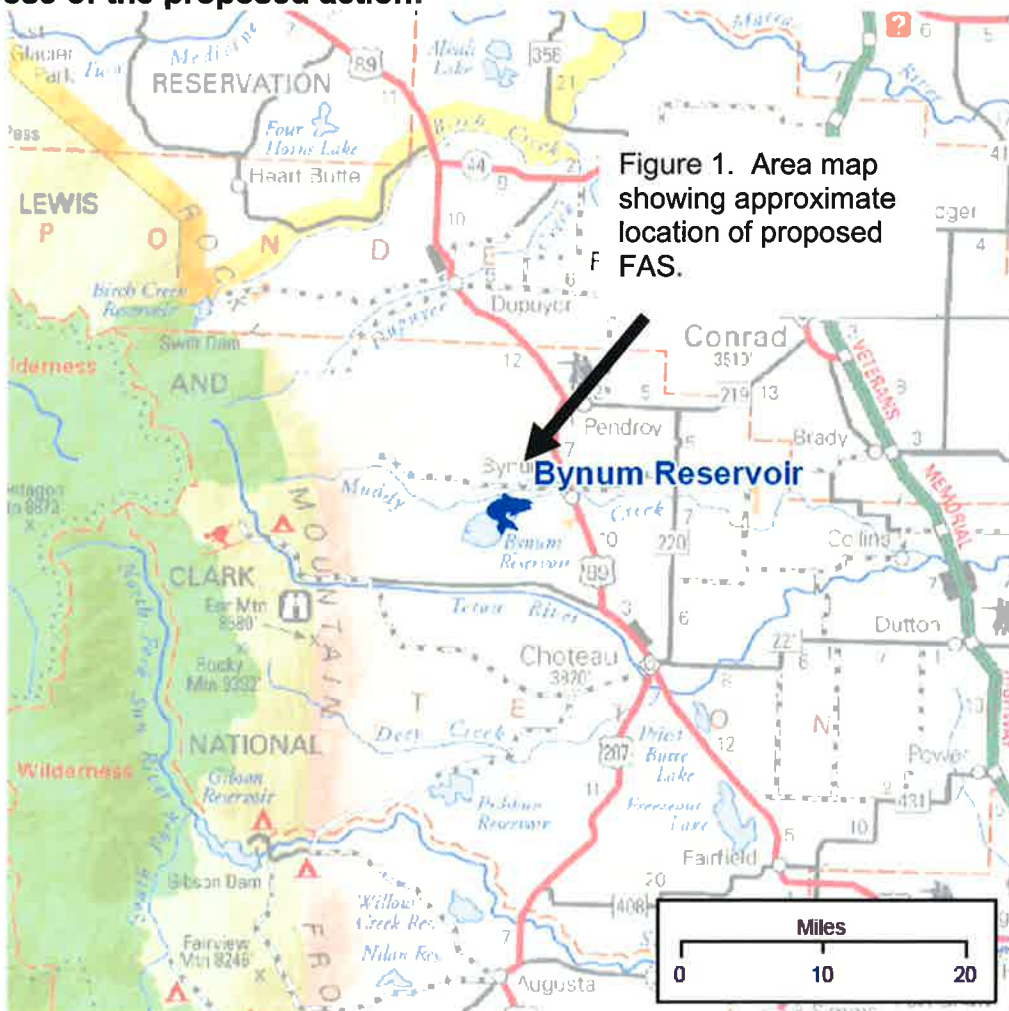


Figure 1. Area map of Bynum Reservoir FAS

Bynum Reservoir is a small reservoir located along the Rocky Mountain Front just west of the small town of Bynum and about an hour's drive from Great Falls (see Figure 1). The reservoir is 3,000 surface acres in size at full capacity but is frequently lower due to irrigation demands. FWP manages Bynum Reservoir as a yellow perch and rainbow trout fishery, and it is a popular fishing destination in the central fishing district.

While FWP manages the FAS, the agency doesn't own the 221 acres that the FAS encompasses. Instead, FWP has a series of leases, easements, and agreements in place with the Bureau of Land Management (BLM), Teton Cooperative Reservoir Board, Miller Colony, and private individuals that allows access to and management of the FAS. One of those agreements was a 20-year, no-fee permit with the BLM for the 40-acre site on the northeastern edge of the reservoir (see Figure 2) that the facilities for the FAS are located on. FWP has invested more than \$51,000 in capital improvements at this location, including a boat launch, latrine, four established campsites, parking, and a loop road, which are used year-round.

The past permit expired in May 2015, and when FWP approached BLM to renew the lease, BLM offered FWP the option of acquiring the original 40-acre tract (hereafter referred to as parcel 1) plus another 40-acre parcel nearby (parcel 2). The public currently use both areas for fishing, picnicking and camping, but trails and campsites on the second, undeveloped parcel are not formalized. Because FWP is a government agency that already provides for public recreation at the site, FWP can acquire the two parcels for a nominal \$100 filing fee under the Recreation and Public Purposes Act. The exchange is desired by both agencies because it simplifies management, would offer improved resource protection, reduces paperwork, and ultimately serves the public better.



Figure 2. Bynum Reservoir FAS

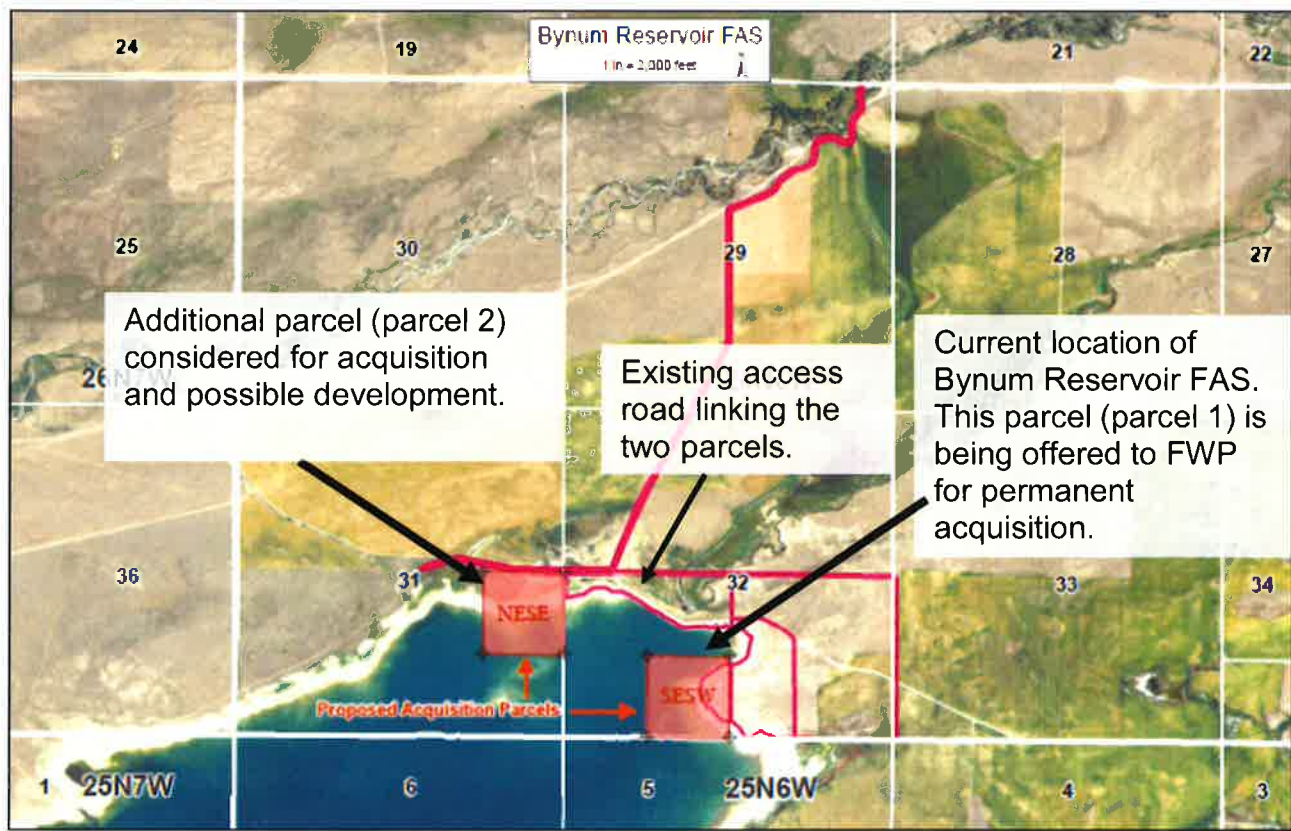


Figure 3. Aerial view of Bynum Reservoir FAS with parcels considered for acquisition.

As mentioned above, parcel 2 is undeveloped but does have pioneered trails and campsites. If FWP does acquire this second parcel, FAS staff would install signage and fencing to keep vehicles on designated roads. No other development is proposed at this time.



Figure 4. Photo taken from current FAS looking across to second parcel (parcel 2) considered for acquisition.

PART II. ENVIRONMENTAL REVIEW

1. Description and analysis of reasonable alternatives:

Alternative A: No Action

If no action is taken, FWP would not accept conveyance of these two parcels for permanent acquisition from BLM. FWP would continue to pursue the option of leasing the main 40-acre parcel from BLM for the foreseeable future, and would not attempt to lease or otherwise manage the neighboring parcel, which would remain under BLM.

If FWP was successful in securing another lease of the main 40-acre parcel from BLM, management of the existing FAS would remain the same. Pioneered roads, campsites, and other forms of resource damage may occur at the second BLM parcel, as FWP would not have jurisdiction to manage that area.

If no action is taken, FWP would lose a rare opportunity to acquire waterfront recreational property at very little cost at a popular site that is seeing increasing use.

Preferred Alternative B: Proposed Action

In the preferred alternative, FWP would accept conveyance of both 40-acre parcels up for consideration at Bynum Reservoir FAS. Instead of leasing the main parcel (parcel 1) that the FAS facilities sit on, FWP would own that land outright, along with a neighboring parcel (parcel 2) that has long been used by the public in the same manner as the rest of the FAS. If FWP gains ownership of these lands, the public would continue to enjoy use of these lands but FWP would be able to initiate some site protection controls such as signage and fencing that would formalize access and reduce any resource damage that may be occurring.

The change of ownership of these parcels is desired by both the BLM and FWP, would simplify ownership and management of the FAS, and ultimately serve the public better.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

There is no mitigation, stipulations, or other controls associated with the actions. Therefore, no evaluation is necessary.

3. Private Property Regulatory Restrictions:

Actions described in this environmental analysis do not regulate the use of private, tangible personal property, and therefore do not require an evaluation of regulatory restrictions on private property.

PART VI. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):

- 1a. The proposed action involves only a conveyance of property to FWP and does not include development or physical alteration of the property. If the property is transferred, any proposed future development will be the subject of another EA available for public comment.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		N/A				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):

- 2a. The proposed action involves only a conveyance of property to FWP and does not include development or physical alteration of the property. If the property is transferred, any proposed future development will be the subject of another EA available for public comment.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. WATER Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		N/A				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		N/A				
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):

3a. The proposed action involves only a conveyance of property to FWP and does not include development or physical alteration of the property. If the property is transferred, any proposed future development will be the subject of another EA available for public comment.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. VEGETATION Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		yes	4a.
b. Alteration of a plant community?			X		yes	4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		N/A				
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):

- 4a. If FWP is granted ownership of the two parcels; use of the area may slightly increase which could have a minor impact on the local plant community. Any resulting impact would be mitigated by the implementation of sight protection measures such as signage and fencing.
- 4b. Please see comment 4a.
- 4e. Prevailing weeds in the Bynum Reservoir area include spotted knapweed and Canada thistle and are managed in accordance with FWP's Statewide Integrated Noxious Weed Management Plan as they occur at the FAS. If Parcel 2 is acquired by FWP, weeds on that property would also be controlled under that Plan. Therefore, the proposed action would not lead to the establishment of any new populations of noxious weeds and would decrease the likelihood of weeds being spread from the site.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X		yes	5b.
c. Changes in the diversity or abundance of nongame species?			X			5b
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?			X		yes	5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		yes	5g.
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		N/A				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		N/A				
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):

5b. Hunting is allowed on Bynum Reservoir FAS during hunting seasons. Even though the two parcels already allow public access and hunting, it is possible that the proposed action could increase public use of the area, which could result in more fishing and hunting pressure and more game mortality. Department biologists feel that game and fish populations in and around Bynum Reservoir

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

can support a possible increase in pressure. Game wardens regularly patrol FAS' to ensure that anglers are complying with state regulations.

- 5c. Even though the public already has access to and uses Parcel 2, the change in management may lead to an increase in use, which could affect nongame animals in the vicinity of that parcel. Any increase in use would be mitigated by implementation of some site protection measures on parcel 2, like fencing to keep vehicles on designated roadways and departmental signage explaining rules and regulations on the FAS.
- 5f/g. A search of the MNHP Montana Species of Concern (SOC) database found 9 SOC that have been observed within the larger Bynum FAS vicinity, including the grizzly bear, golden eagle, ferruginous hawk, long-billed curlew, Sprague's pipit, Brewer's sparrow, Baird's sparrow, McCown's longspur, and the chestnut-collared longspur. Sprague's pipit is also a Candidate Species under the Endangered Species Act and the grizzly bear is a listed species (see Appendix B). Grizzly bear are known specifically to use the area around Bynum Reservoir. The transfer of land itself would likely not affect wildlife populations. The public already has access to and regularly recreates on both parcels of property, so there should be little change in the current level of disturbance to wildlife. It is possible that the change in ownership may increase use of parcel 2 and the FAS overall, but the change would be minor. Any increase in use would be mitigated by implementation of some site protection measures on parcel 2, like fencing to keep vehicles on designated roadways and informational signage on how to behave and store food in grizzly bear country.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		N/A				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):

8a. The FWP Region 4 Weed Management Plan calls for an integrated method of managing weeds, including the use of herbicides. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				9a.
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):

9a. The proposed conveyance of land from BLM to FWP would not have any foreseeable impact on the local community.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):

- 10b. Montana FWP is required to make payments to counties in a sum equal to the amount of taxes payable as if the property were owned by a private citizen (MCA-87-1-603).
- 10e. BLM would convey the two 40-acre parcels to FWP for a \$100 filing fee.
- 10f. Annual operations and maintenance costs associated with Bynum Reservoir average around \$3500 per year. This figure would not include any major road/parking area repair. Road maintenance costs can range from \$300 to \$1000 every 2-4 years.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11c.
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		N/A				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):

11c. The proposed transfer of property and accompanying management change may cause a slight increase in visitation to the FAS and the area in general but the impact would be minor (see Tourism Report in Appendix C).

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		N/A				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (attach additional pages of narrative if needed):

12a. The proposed action would not destroy or alter any site, structure or object of historic importance.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Un- known *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a.
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		N/A				
g. ****For P-R/D-J, list any federal or state permits required.		N/A				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

13a. This EA found no significant impacts to the human or physical environment from the proposed action.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART III. NARRATIVE EVALUATION AND COMMENT

FWP's network of 330 Fishing Access Sites across Montana is a testament to the Agency's commitment to providing public access to a wide variety of streams, lakes and rivers in nearly every corner of the state. Most of these sites FWP own outright and some are leased or otherwise permitted for use from other agencies, corporations, or private businesses. When feasible, FWP prefers to own the land that FAS's occupy because it simplifies and streamlines management.

The offer by the BLM to convey the 2 parcels in question to FWP for a minimal \$100 filing fee would allow FWP to enlarge the FAS, apply consistent management across the site, and ultimately serve the resource and public better. Because the public already has access to and regularly uses both parcels, it is not expected that the change would cause more than minor alteration of use patterns and thus would have little impact on the natural resources of the site. The change in ownership would require an initial outlay of approximately \$200 for property boundary and bear safety signage and \$500 for fencing to keep vehicles on designated roads, but after that the additional acreage would only cost an additional \$50/yr in weed control.

The proposed acquisition would allow the same agency to administer the entire site and cause few, very minor impacts to the human and physical environment.

PART IV. PUBLIC PARTICIPATION

1. Public Involvement:

The public will be invited to comment on the Proposed Action and alternatives described in the Bynum Reservoir Land Acquisition EA in the following manners:

- Public notices in each of these papers: the *Great Falls Tribune*, the *Helena Independent Record*, and the *Choteau Acantha* (Region 4's newspaper of record, FWP's newspaper of record, and the local newspaper).
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the Region 4 headquarters in Great Falls and the State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 4 issues.
- Copies of this environmental assessment will be distributed to neighboring landowners and interested parties to ensure their knowledge of the Proposed Action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

2. Duration of comment period.

The public comment period will extend for (30) thirty days and will begin after publication of the legal notice in the *Great Falls Tribune*. Written comments will be accepted until 5:00 p.m., April 25, 2016 and can be e-mailed to vrobinson@mt.gov or mailed to the address below:

Vicki Robinson
Bynum FAS Land Acquisition EA
4600 Giant Springs Rd
Great Falls, MT 59405

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, this environmental review found no significant impacts from the proposed action. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit MFWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Vicki Robinson
Region 4 FAS Program Manager
4600 Giant Springs Rd
Great Falls, MT 59405
(406) 454-5854

Linnaea Schroeer
MEPA Coordinator
1420 East 6th Ave
Helena, MT 59601
(406) 444-3378

3. List of agencies consulted during preparation of the EA:

Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
Lands Unit
Legal Unit
Fisheries Division

Wildlife Division
Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana Historic Preservation Office
United States Bureau of Land Management-Lewiston Office

APPENDICES

- A. MCA 23-1-110 Qualification Checklist
- B. Native Species Report - Montana Natural Heritage Program
- C. Tourism Report – Department of Commerce

APPENDIX A

23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

Date: February 16, 2016

Person Reviewing: Linnaea Schroeder

Project Location: Bynum Reservoir Fishing Access Site

Description of Proposed Work: FWP proposes accepting the donation of 80 acres of land from the BLM for permanent public use at Bynum Reservoir FAS. The proposed project only involves the transfer of title and does not include any development of the parcels aside from some signage and fencing.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

- ☐ **A. New roadway or trail built over undisturbed land?**
Comments: No
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No building construction.
- ☐ **C. Any excavation of 20 c.y. or greater?**
Comments: No
- ☐ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: No
- ☐ **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No.
- ☐ **F. Any new construction into lakes, reservoirs, or streams?**
Comments: No
- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: No
- ☐ **H. Any new above ground utility lines?**
Comments: No
- ☐ **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No.
- ☐ **J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?**
Comments: No. The proposed project would not affect existing features or use patterns.

APPENDIX B

NATIVE SPECIES REPORT – MONTANA NATURAL HERITAGE PROGRAM Sensitive Plants and Animals in the Vicinity of Bynum Reservoir Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates 9 occurrences of Montana Species of Concern (SOC) in the greater Bynum Reservoir area. These are: grizzly bear, golden eagle, ferruginous hawk, long-billed curlew, Sprague's pipit, Brewer's sparrow, Baird's sparrow, McCown's longspur, and the chestnut-collared longspur. Sprague's pipit is also a USFWS candidate species, and grizzly bear are listed threatened. More information on these species is included below.

Montana Species of Concern. The term “Species of Concern” includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	Definition
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF BYNUM RESERVOIR FISHING ACCESS SITE

1. *Buteo regalis* (Ferruginous Hawk)

Vertebrate animal- Bird

Habitat- Sagebrush grassland

Natural Heritage Ranks

State: **S3B**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data was reported of nesting area within the larger project vicinity but not within the parcels in question. Last recorded observation date was in 1983.

2. *Aquila chrysaetos* (Golden Eagle)

Vertebrate animal- Bird

Habitat- Grasslands

Natural Heritage Ranks

Federal Agency Status:

State: **S3**
Global: **G5**

U.S. Fish and Wildlife Service: **BGEPA; MBTA; BCC**
U.S. Forest Service:
U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data was reported of golden eagle within general vicinity of the project area but not within the parcels in question. Last recorded observation date was 1983.

3. *Numenius americanus* (Long-billed Curlew)

Vertebrate animal- Bird

Habitat- Grasslands

Natural Heritage Ranks

State: **S3B**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data reported of breeding area within two miles of the project area. Last observation date was 2004.

4. *Anthus spragueii* (Sprague's Pipit)

Vertebrate animal- Bird

Habitat- Grasslands

Natural Heritage Ranks

State: **S3B**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service: **C**

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data reported of Sprague's pipit within two miles of the project area. Last observation date was 2009.

5. *Spizella breweri* (Brewer's Sparrow)

Vertebrate animal- Bird

Habitat- Sagebrush

Natural Heritage Ranks

State: **S3B**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data indicates confirmed breeding area of this species within 2 miles of project areas. Last observation date was 2004.

6. *Ammodramus bairdii* (Baird's Sparrow)

Vertebrate animal- Bird

Habitat- Grasslands

Natural Heritage Ranks

State: **S3B**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data indicates confirmed breeding area within 2 miles of project area. Last observation date was 2004.

7. *Rhynchophanes mccownii* (McCown's Longspur)

Vertebrate animal- Bird

Habitat- Grasslands

Natural Heritage Ranks

State: **S3B**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data indicates confirmed breeding area within 2 miles of project area. Last observation date was 2010.

8. *Calcarius ornatus* (Chestnut-collared Longspur)

Vertebrate animal- Bird

Habitat- Grasslands

Natural Heritage Ranks

State: **S2B**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

Element Occurrence data indicates confirmed breeding area within 2 miles of project area. Last observation date was 2004.

9. *Ursus arctos* (Grizzly Bear)

Vertebrate animal- Mammal

Habitat- Grasslands

Natural Heritage Ranks

State: **S2S3**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service: **LT,XN**

U.S. Forest Service: **THREATENED**

U.S. Bureau of Land Management: **SENSITIVE**

Grizzly bears are known to frequent the Rocky Mountain Front and a mother with YOY cubs has been seen utilizing the area around Bynum Reservoir for the past several years.

Appendix C

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jeri Bucy, Director of Sales and Constituent Services
Montana Office of Tourism
301 S. Park Ave.
Helena, MT 59601

Project Name: Bynum Reservoir FAS EA

Project Description: Montana FWP currently leases a 40-acre parcel for Bynum Reservoir FAS from the BLM. The BLM has proposed donating this parcel plus another neighboring 40-acre parcel to FWP for permanent acquisition. The proposed land donation would enlarge Bynum Reservoir FAS by 40 acres, but the public already has access to and use the second parcel for recreation, similar to the rest of the site already under FWP management. The proposed project would give FWP permanent ownership of the two parcels and would simplify management of the area.

1. Would this site development project have an impact on the tourism economy?
NO YES If YES, briefly describe:

Yes, as described, this project has the potential to positively impact the tourism and recreation industry economy if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Jeri Bucy Date March 1, 2016